



CITY OF FAIRMONT – 100 Downtown Plaza – Fairmont, MN 56031  
[www.fairmont.org](http://www.fairmont.org) ♦ [citygov@fairmont.org](mailto:citygov@fairmont.org)

Phone (507) 238-9461

Fax (507) 238-9469

**To:** Board of Zoning Appeals

**From:** Peter Bode, Planner & Zoning Official

**Subject:** **Agenda – Regular Meeting**  
**Tuesday, September 3, 2024**  
**City Council Chambers, City Hall, 100 Downtown Plaza**

- 1) Approval of Agenda
- 2) Approval of Minutes – July 2, 2024
- 3) Approval of Minutes – July 30, 2024

New Business

- 4) Public Hearing – Variance Request – 109 Sisseton Dr
- 5) Public Hearing – Variance Request – 1122 N State St
- 6) Public Hearing – Variance Request – 1325 Johnson St

Unfinished Business

None

- 7) Adjournment



# PLANNING APPLICATION

**NOTE TO APPLICANT:** All fields below must be completed with fee paid. See list of submission requirements for each type of application at the back of this packet. All items required to be submitted must be received for your application to be reviewed.

Name of Applicant: Jim Draper Phone No: [REDACTED]

Email Address: [REDACTED]

Mailing Address: [REDACTED]

Street Address of Proposal: 109 Sisseton Dr. Parcel ID: 230720250

Description of Application: Variance for Detached Garage

Check One	Type of Application	Fee	Submission Requirements
	Administrative Appeal	\$ 50.00	1. All fields on this form completed with signatures for every involved property owner (may use extra paper for more signatures). 2. Fee payment made to City of Fairmont. 3. All documents listed for your type of application at the back of this packet.
	Code Amendment	\$150.00	
	Conditional Use Permit	\$250.00	
	Home Occupation Permit	\$150.00	
	Major Subdivision (Preliminary Plat)	\$300.00	
	Minor Subdivision	\$ 90.00	
	Planned Unit Development	\$250.00	
	Rezoning	\$300.00	
<input checked="" type="checkbox"/>	Variance Request (Residential)	\$150.00	
	Variance Request (Commercial)	\$250.00	

I HEREBY CERTIFY THAT THE INFORMATION AND EXHIBITS HERewith SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Owner's Name (Printed) Jim Draper + Jackie Jersak Owner's Signature Jackie Jersak

Applicant's Name (Printed) Jim Draper Applicant's Signature Jim Draper

**CITY STAFF USE ONLY**

Check No: \_\_\_\_\_ Date Paid: \_\_\_\_\_

Date Received as Final and Complete: \_\_\_\_\_

60-Day Rule Deadline: \_\_\_\_\_

Date of Final Decision: \_\_\_\_\_

- Compose
- Inbox 10,230
- Starred
- Snoozed
- Sent
- Drafts 206
- More
- Labels

to Joe, Doug, me, Darcy

Hi Jim,

Thanks for these. Please read the submission requirements carefully, they're listed in my email below and on the application. I have also attached your application from 2022 if it's helpful in preparing your new application. There are more submission requirements now than there were in 2022. Additionally, all items need to be turned in at the same time as part of your application. Listed below is what we need, all of it being submitted together, with highlights for what we haven't seen yet:

**Variance Request (Residential and Commercial)**

1. A statement to the Board of Zoning Appeals containing:

- a. The specific variance distance, height, area, or other standard requested.

*For example: Requesting a 15-foot southern front yard setback instead of the 30 feet required.*

- b. A description of the proposed work or proposal and why the variance is necessary.
- c. A detailed answer to all six questions relating to variance standards on the Variance Criteria Guidance sheet.

2. A site plan drawn to scale showing:

- a. Lot dimensions and required setbacks.
- b. Proposed structures, parking, and other areas including their distances to property lines.
- c. Complete proposed impervious surface dimensions and areas in square feet (if relating to shoreland management).

3. A survey drawn by a registered surveyor containing: **ITEM 3 WAIVED**

- a. Lot dimensions and required setbacks.
- b. Location of existing structures, parking, and other areas.
- c. Complete existing impervious surface information, dimensions, and areas in square feet, 2-foot elevation contours, and bluff determination (if relating to shoreland management).

4. A full legal description of the subject property.

*Beacon?*

R-1 8,500<sup>sq ft</sup> 30'

FRONT YARD 30' (or Average of Adjacent / NOT less than 20')

Side Yard ~~30'~~

~~Rear Yard~~ 10% NOT Greater than 10'

Rear YARD 25%

\* 1.

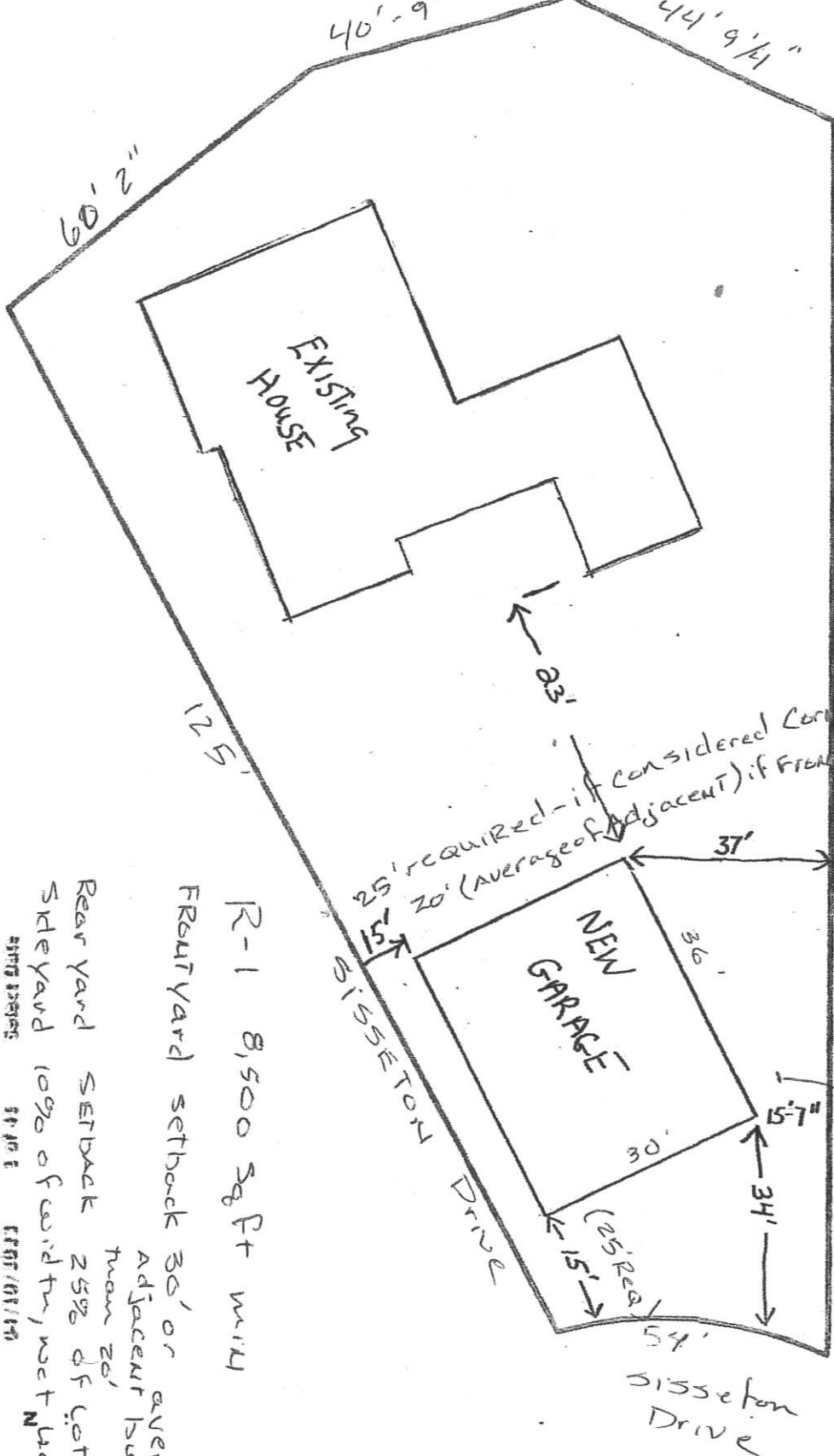
A. yard setback for CORNER lot. Requesting a ~~25'~~ 15 foot setback in lieu of 25 feet Required. If considered a front yard requesting 15 feet in lieu of 20' Required (adjacent properties are less than 20 foot setbacks).

B. construction of detached Garage

C. Variance justified due to Irregular shape & dimensions of lot, on a curve of Road.  
 2) other properties in R-1 are allowed Accessory St...

3) adjacent property directly east of property was allowed to construct a detached garage with setback less than required, demonstrating that granting this variance will not confer any special ~~privilege~~ privilege on petitioner

4. Approving this variance does not impair air or light to adjacent properties, and will not diminish property values.



109 SISSETON DR

Rear yard required (depth)  
25' 0% of depth  
13.5' required

R-1 8,500 sq ft with

Front yard setback 30' or average of adjacent but not less than 20'

Rear yard setback 25% of lot depth

Side yard 10% of width, not less than 10'

DATE: 08/01/19

corner yard - 25' minimum

**Martin County, MN**  
Pictometry

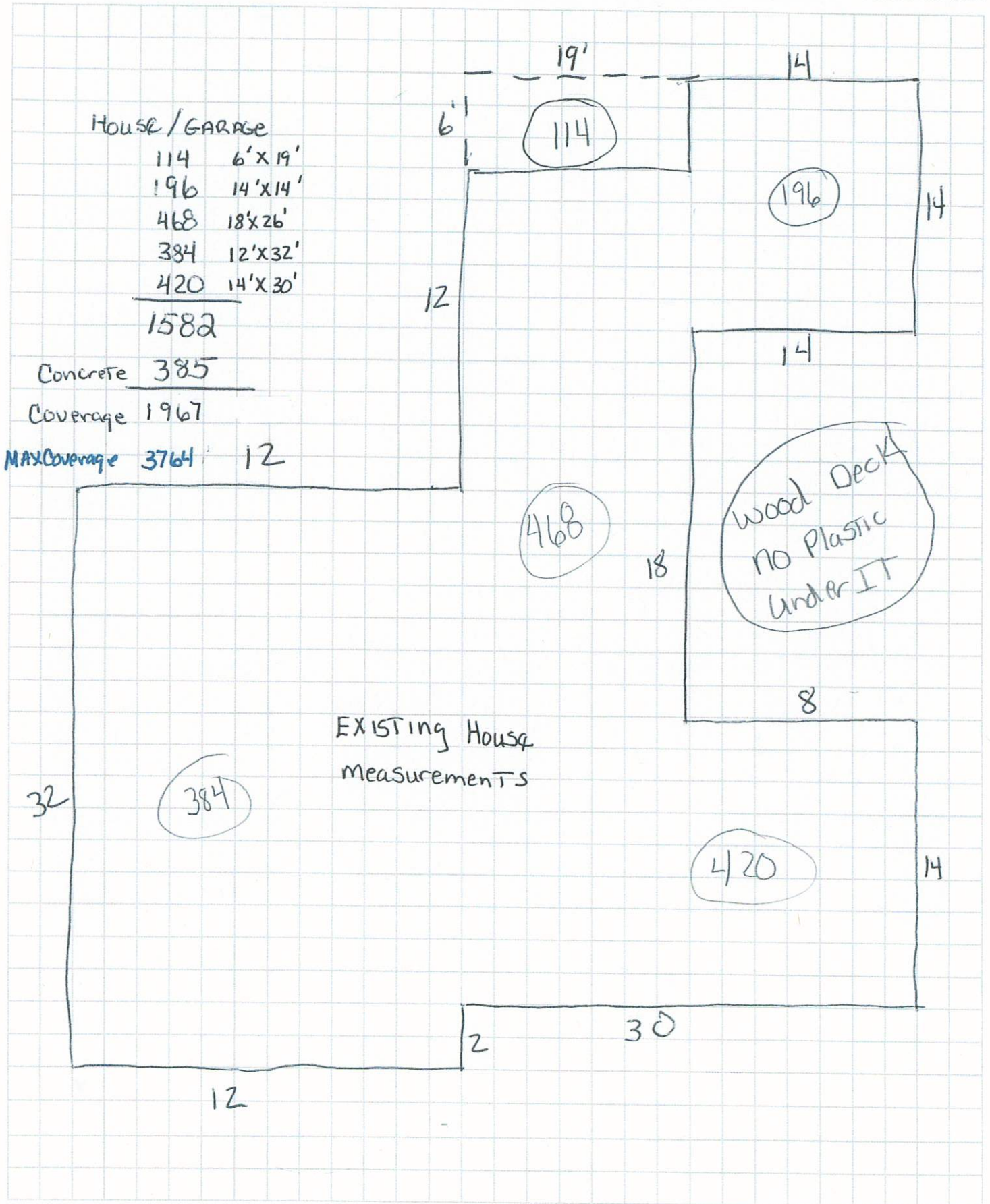
Shall not reduce buildable width of the lot to less than 25 feet. In no case shall the minimum corner yard be less than 25 feet.



MARSHALL TRUSS SYSTEMS INC

# My Calculation on Coverage

200 South 11th Street • Marshall, MN 56258 • 507-537-0581 • Fax 507-537-0691



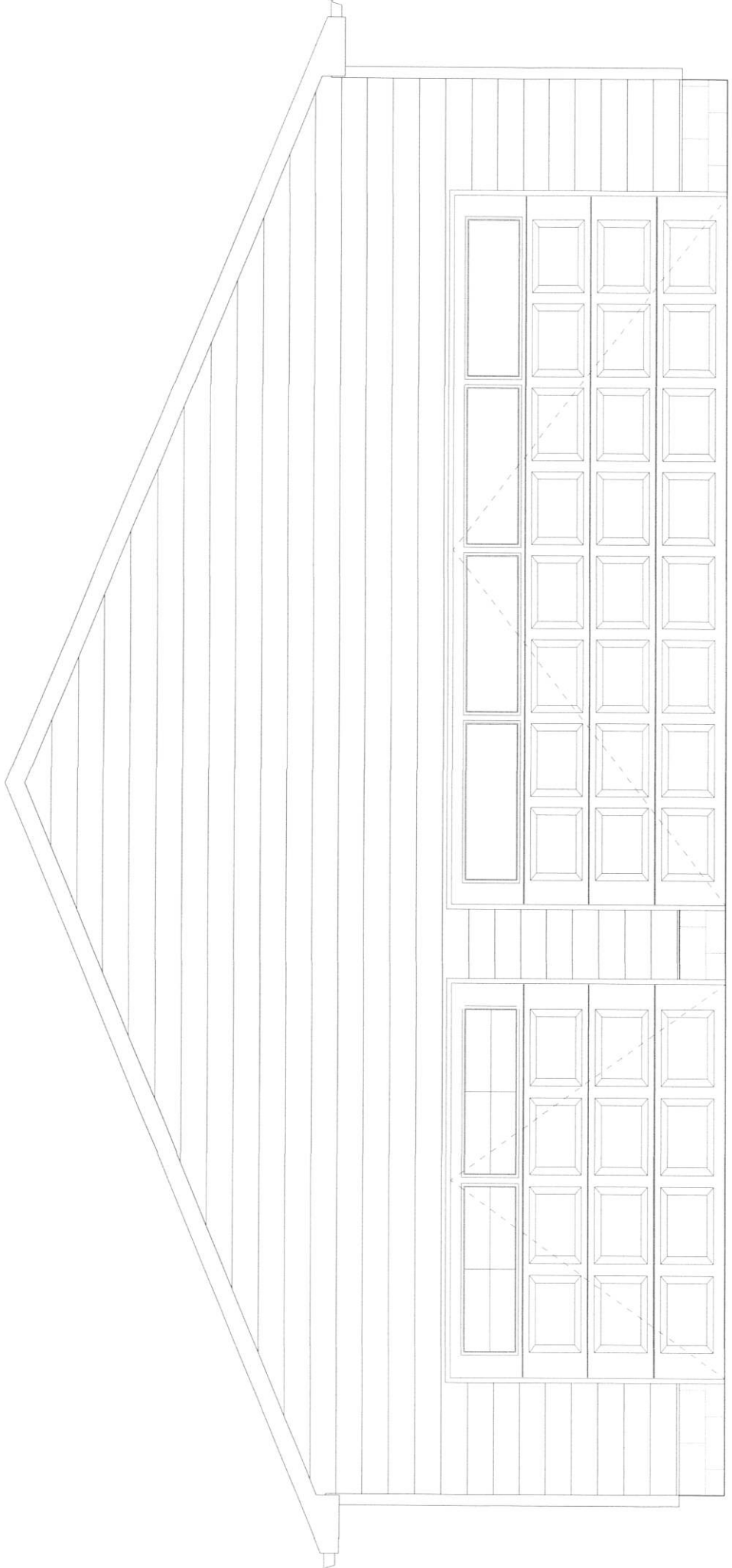
House / GARAGE	
114	6'x19'
196	14'x14'
468	18'x26'
384	12'x32'
420	14'x30'
<hr/>	
1582	

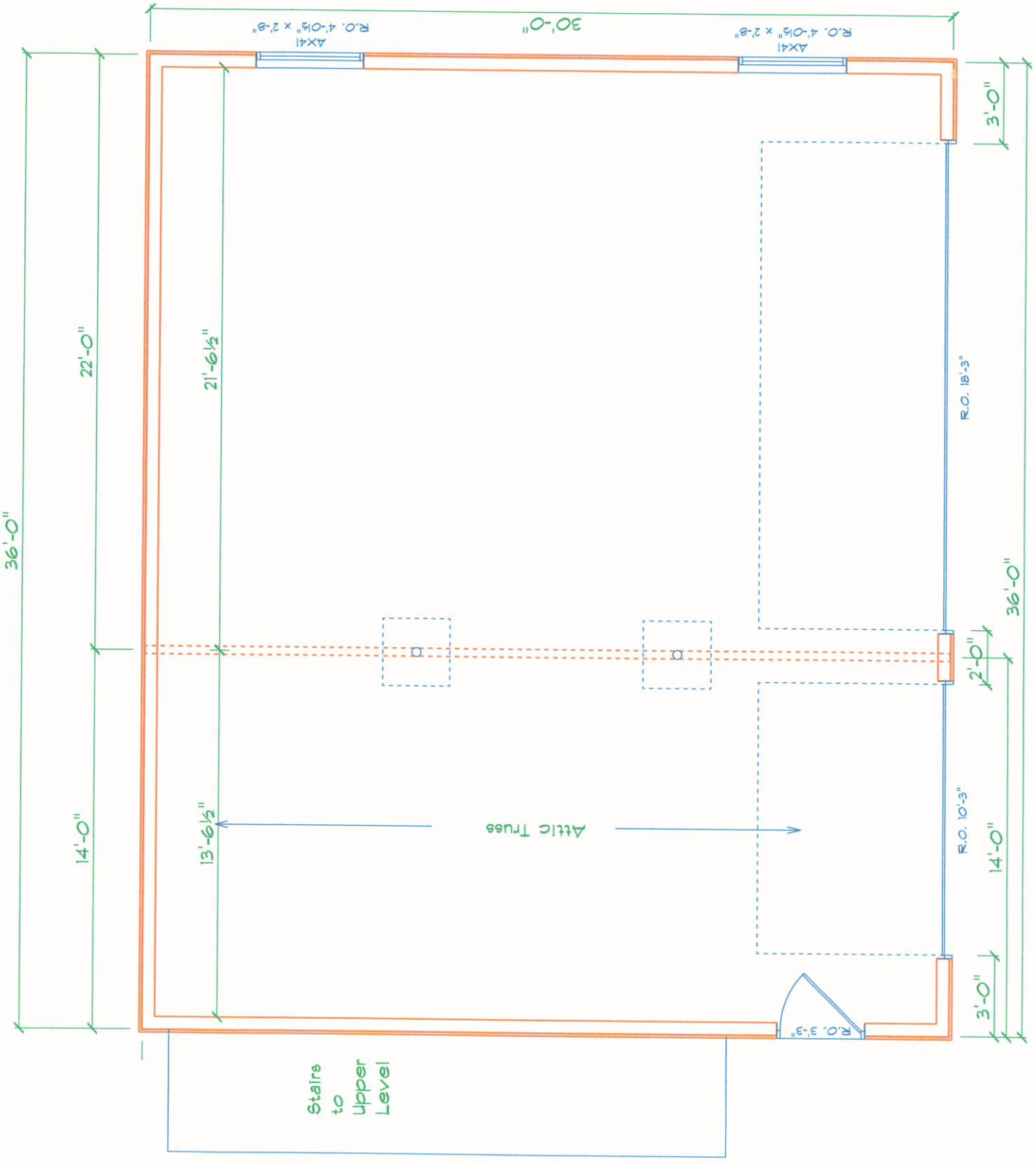
Concrete 385

Coverage 1967

MAX Coverage 3764 12

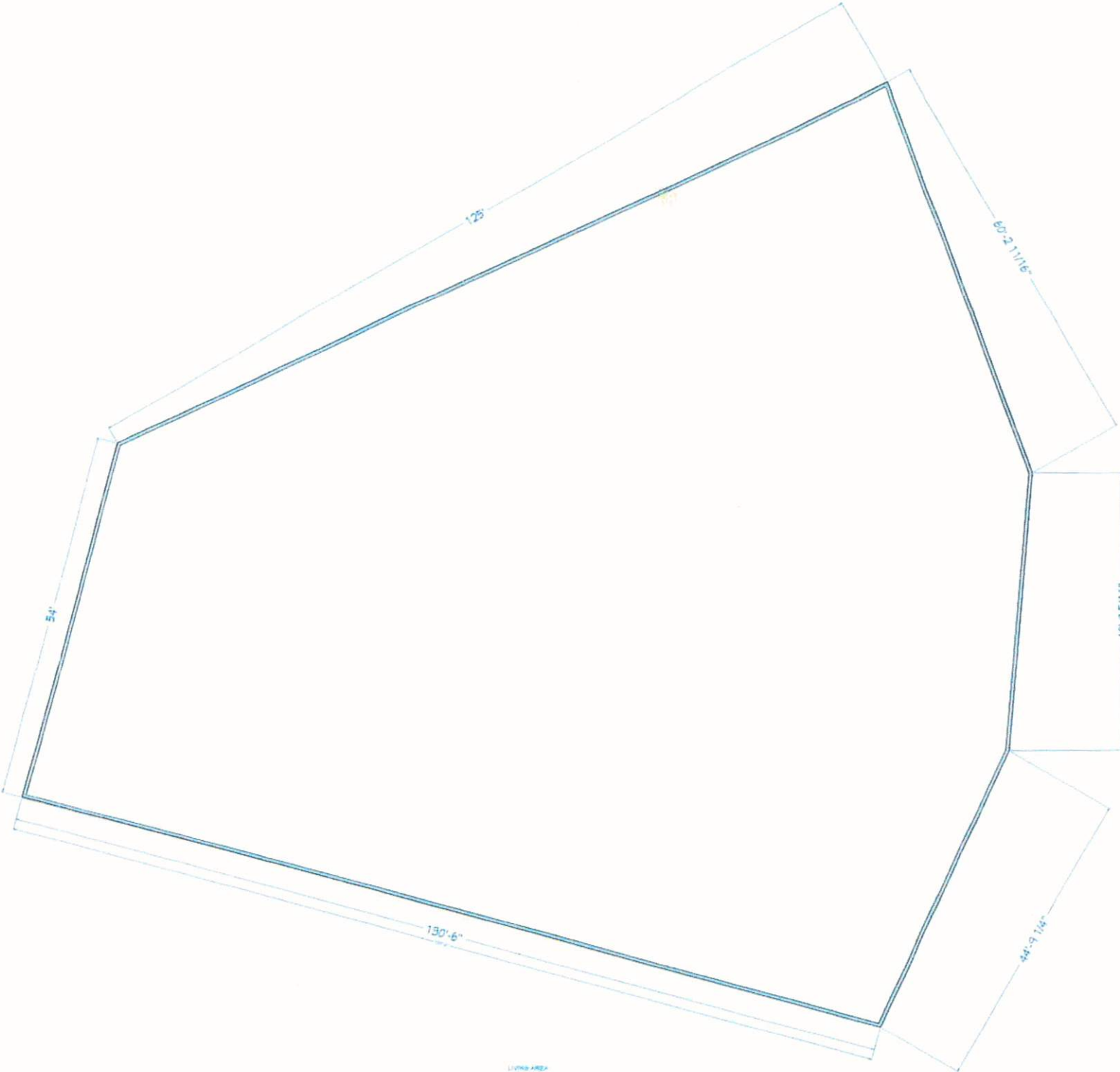
EXISTING House measurements





Main Floor





LIVING AREA  
1077.52 SF

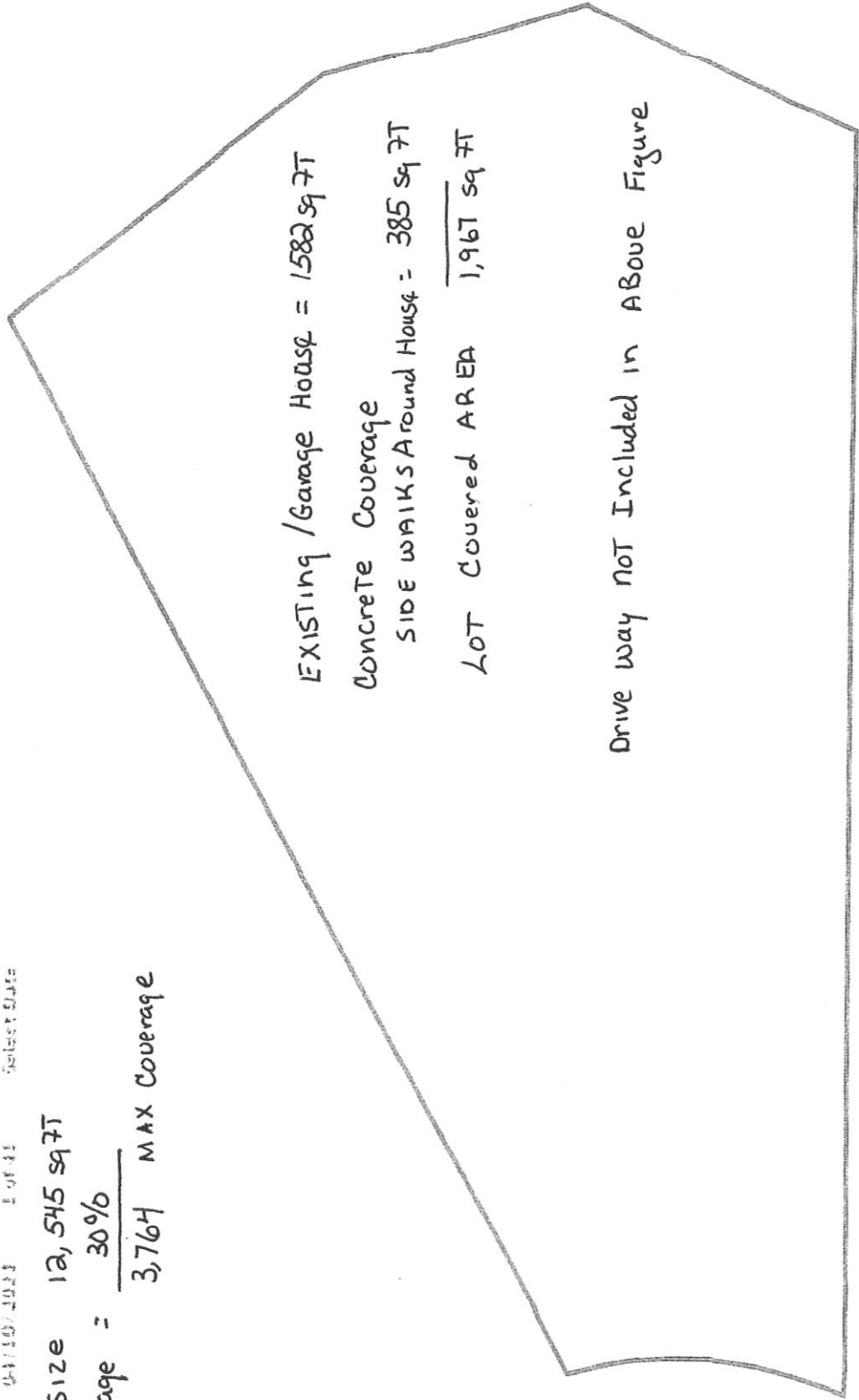
# Martin County, MN

Pictometry

08/10/2023 1 of 11 Select Date

LOT SIZE 12,545 sq ft

Coverage =  $\frac{3,764}{12,545}$  MAX Coverage



# artin County, MN

## Summary

Parcel ID 230720250  
 Property Address 109 SISSETON DR  
 FAIRMONT MN 56031  
 Sec/1wp/Rng N/A  
 Brief Tax Description BRODT'S LAKE PARK LOTS 11 & 12 BLK 3  
 (Note: Not to be used on legal documents)  
 Deeded Acres 0.00  
 Class 201 - (NON-HSTD) 1A/1B/4BB RESIDENTIAL SINGLE UNIT  
 District (2301) CITY OF FAIRMONT-2752  
 School District 2752  
 Neighborhood 00231520 - LAKEPRK/ALBN/WODLAND  
 Neighborhood Group 2 FMT Central



[View Map](#)

\* The Class code is the Assessor's Office determination of the use of the property for the current assessment year and is not the same as the property's zoning.  
 \* Please contact the zoning authority for information regarding zoning.

## Owner

Primary Owner  
 JAMES DRAPER &  
 JACQUELINE JERSAK  
 221 LAKE PARK BLVD  
 FAIRMONT MN 56031

## Buildings

Building 1  
 Year Built 1914  
 Architecture CONVENTION  
 Above Grade Living Area 1662  
 Construction Quality AVERAGE  
 Condition NORMAL  
 Foundation Type POURED CON  
 Frame Type WOOD FRAME  
 Size/Shape 1.00 L-SHP  
 Exterior Walls WOOD SDNG;  
 Windows DH/VINYL  
 Roof Structure GABLE/HIP  
 Roof Cover COMP SHNGL  
 Interior Walls PLASTER;  
 Floor Cover CARPET;  
 Heat HOT WATER  
 Air Conditioning WINDOW  
 Bedrooms 3  
 Bathrooms 1  
 1st Floor Area Sq Ft 1120  
 Stories 1

and

Seq	Code	CER	Dim 1	Dim 2	Dim 3	Units	UT	Unit Price	Adj 1	Adj 2	Adj 3	Eff Rate	Div %	Value
1	RESLOT 16	0	67	136	0	12,545.000	S	3,000	25.00	0.00	0.00	3.747	1.000	47,000
Total														47,000

## Sub Area Square Footage

Card	Line	Lower	First	Second	Third	Year Built	Effective Year Built	Area	RCNLD
1	3		DKA			2005	0	376	1517
1	2		FEP			0	0	226	3192
1	1		OTG			0	0	384	10846
1	0		OWB			0	0	1120	33893

[Click here for more information on Sub Area Codes](#)

## Sales

Multi Parcel	Instr Type	Qualified Sale	Sale Date	Buyer	Seller	Sale Price	Adjusted Sale Price	eCRV
N	WD	U	5/21/2021	DRAPER, JAMES	JOHNSON, MICHAEL & JUSTINA	\$81,000	\$81,000	1245781
N	WD	Q	11/21/2016	JOHNSON, MICHAEL & JUSTINA	REDENIUS, RHONDA & MARK	\$75,800	\$75,800	589754
N	WD	U	12/30/2009	NOWAK, RHONDA E	RIOS-REXACH MARIA A	\$100,000	\$100,000	142306
N	PR	Q	4/16/2008	RIOS-REXACH, MARIA A	EISENMENGER, RICHARD H ESTATE	\$65,000	\$65,000	907353

Please contact Assessor's Office for CRV's prior to October 2014

## Valuation

	2024 Assessment	2023 Assessment	2022 Assessment	2021 Assessment
+ Estimated Land Value	\$47,000	\$33,400	\$35,200	\$36,100
+ Estimated Building Value	\$94,600	\$92,000	\$81,700	\$78,200
+ Estimated Machinery Value	\$0	\$0	\$0	\$0
= Total Estimated Market Value	\$141,600	\$125,400	\$116,900	\$114,300

## Taxation

Classification	2024 Payable	2023 Payable	2022 Payable	2021 Payable	2020 Payable
201 - 1A/1B/4BB RESIDENTIAL SINGLE UNIT	\$125,400	\$116,900	\$114,300	\$114,300	\$103,900
- Excluded Value	\$0	\$0	\$0	\$0	\$0

County: **Martin**

Legal description: **Lots Eleven (11) and Twelve (12), Block Three (3), Brodt's Lake Park Addition according to the plat thereof on file and of record in the office of the Register of Deeds in and for said County and State.**

Deeded acres:

Will use as primary residence:

**No**

What is included in the sale:

**Land and Buildings**

New construction:

**No**

*Property Location(s)*

Property location:

**109 Sisseton Drive, Fairmont, 56031**

*Preliminary Parcel IDs*

Parcels to be split or combined:

**No**

Primary parcel ID:

**23.072.0250**

Additional parcel ID(s):

*Use(s)*

Planned use:

**Residential / Single family home**

Primary use:

**Yes**

Prior use:

**Residential / Single family**



# PLANNING APPLICATION

**NOTE TO APPLICANT:** All fields below must be completed with fee paid. See list of submission requirements for each type of application at the back of this packet. All items required to be submitted must be received for your application to be reviewed.

Name of Applicant: Minilik Mersha on behalf of E.B. Bruns Real Estate LLC Phone No: [REDACTED]

Email Address: [REDACTED]

Mailing Address: [REDACTED]

Street Address of Proposal: 1122 N State Street Parcel ID: 230390130 and 232480050

Description of Application: Variance to allow existing nonconforming structure due to setback's not meeting today's codes for a change of use

Check One	Type of Application	Fee	Submission Requirements
	Administrative Appeal	\$ 50.00	1. All fields on this form completed with signatures for every involved property owner (may use extra paper for more signatures). 2. Fee payment made to City of Fairmont. 3. All documents listed for your type of application at the back of this packet.
	Code Amendment	\$150.00	
	Conditional Use Permit	\$250.00	
	Home Occupation Permit	\$150.00	
	Major Subdivision (Preliminary Plat)	\$300.00	
	Minor Subdivision	\$ 90.00	
	Planned Unit Development	\$250.00	
	Rezoning	\$300.00	
	Variance Request (Residential)	\$150.00	
x	Variance Request (Commercial)	\$250.00	

I HEREBY CERTIFY THAT THE INFORMATION AND EXHIBITS HERewith SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Owner's Name (Printed) E.B. Bruns Real Estate LLC Owner's Signature  07/14/24

Applicant's Name (Printed) Minilik Mersha Applicant's Signature  07/14/24

**CITY STAFF USE ONLY**

Check No: \_\_\_\_\_ Date Paid: \_\_\_\_\_

Date Received as Final and Complete: \_\_\_\_\_

60-Day Rule Deadline: \_\_\_\_\_

Date of Final Decision: \_\_\_\_\_

To whom it may concern,

We are in the process of purchasing the property at 1122 N State Street with the intention of converting the current use as a Hotel/Motel to a Multi-Family Dwelling. Because of this change of use, a variance was required. The project will consist of an interior remodel, improvements to the exterior of the building, however, no expansion of the nonconforming structure itself, and improvements to the parking lot. The number of units within the hotel will remain as the number of units for the apartment building.

The structure has setbacks of approximately: 20 feet front yard, 6 inches side yard, 2.5 feet corner yard, and 54 rear yard. In this Zoning District, the setbacks shall be, 30 feet minimum for the front yard, no less than 10 feet for the interior side yard. 30 feet minimum on the corner yard, and no more than 30 feet on for the rear. Although this building is currently a nonconforming structure, we are not proposing to expand these nonconformities.

We are happy to answer any questions.

Thank you,

Eric

## Variance Criteria Guidance – City of Fairmont

*The underlined questions below represent the required statutory criteria, pursuant to Minn. Stat. § 462.357, subd. 6, which must be considered and answered affirmatively in order for the Board of Zoning Appeals or the City Council, as applicable, to grant a variance application. For purposes of establishing a record, a majority of the members of the governing body must agree upon the answers given to each question below. The following guidance is intended to assist the governing body in developing its written findings on each of the below underlined statutory criteria:*

### **1) Is the variance in harmony with the purposes and intent of the ordinance?**

Yes, to secure the most appropriate use of land. This variance is needed to allow for the change of use from a hotel use to a multi-family use. This is an allowed use in this zoning district.

### **2) Is the variance consistent with the Comprehensive Plan?**

This variance aligns with the Goals & Strategies of the Housing and Neighborhoods, specifically related to HN 1: “Promoting a full range of housing types and styles to meet the various needs of Fairmont’s current and future population.” By allowing this variance, this would allow for an additional housing type to meet the needs of the City of Fairmont.

This variance also aligns with the Goals & Strategies of Economic Development, specifically related to ED 6: “Address housing shortage.” This proposed project is the adaptive reuse of an existing structure to be converted into a Multi-Family Dwelling.

### **3) Does the proposal put property to use in a reasonable manner?**

Yes, the property would be used in a reasonable manner. The existing structure is currently nonconforming and we would not be expanding the nonconformity, as no additions, which would bring the structure closer to the property lines, are being proposed.

### **4) Are there unique circumstances to the property not created by the landowner?**

Yes, the structure is currently a permitted structure when originally constructed. We are proposing an adaptive reuse of the structure and not proposing exterior work that would expand the nonconformity.

### **5) Will the variance, if granted, retain the essential character of the locality?**

The structure is already existing and we are not proposing any expansions of the nonconformity. The proposed use is a permitted use in this zoning district as well, therefore, the essential character of the locality would retain.

**6) Are there other considerations for the variance request besides economics?**

We are proposing a change of use at this site. There will be improvements made to the structure, however, we are not proposing to increase the nonconformity, which are the setbacks.

**Other Considerations:**

**Neighborhood opinion.** Neighborhood opinion alone is not a valid basis for granting or denying a variance request. While the BZA or City Council, as applicable, may feel their decision should reflect the overall will of the residents, the task in considering a variance request is limited to evaluating how the variance application meets the above statutory factors. Residents can often provide important facts that may help the governing body in addressing the above questions, but unsubstantiated opinions and reactions to a request do not form a legitimate basis for a variance decision.

**Conditions.** A city may impose a condition when it grants a variance so long as the condition is directly related to and bears a rough proportionality to the impact created by the variance. For instance, if a variance is granted to exceed an otherwise applicable height limit, any conditions attached should presumably relate to mitigating the effect of excess height.





232480050



## EXHIBIT "A"

Lot Two (2), Block Three (3), Teeter's Second Subdivision in the City of Fairmont, Martin County, Minnesota.

AND

Those parts of the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 4, Township 102 North, Range 30 west of the Fifth Principal Meridian, described as follows:

Tract 1: Beginning at the west quarter corner of said Section 4; thence south 911.4 feet on the west section line of said Section 4; thence north 89 degrees 34 minutes 15 seconds east 54.65 feet to the east right-of-way line of Minnesota Trunk Highway No. 15; thence continuing north 89 degrees 34 minutes 15 seconds east 40 feet to the point of beginning of the tract to be described; thence continuing north 89 degrees 34 minutes 15 seconds east 155.25 feet; thence south 0 degrees 25 minutes 45 seconds west 150 feet; thence south 89 degrees 34 minutes 15 seconds west 155.25 feet; thence north 0 degrees 25 minutes 45 seconds east 150.0 feet to the point of beginning.

ALSO,

Tract 2: Commencing at the west quarter corner of Section 4, Township 102 North, Range 30 West of the Fifth Principal Meridian; running thence south 911.4 feet on the west section line of said Section 4, aforesaid; running thence north 89 degrees 34 minutes 15 seconds east 54.65 feet to the east right-of-way line of Minnesota Trunk Highway No. 15; running thence north 89 degrees 34 minutes 15 seconds east 40 feet; running thence south 0 degrees 25 minutes 45 seconds west 150 feet, being 40 feet east of the east right-of-way line of Minnesota Trunk Highway No. 15, to the point of beginning of the land to be described herein; running thence north 89 degrees 34 minutes 15 seconds east 155.25 feet; thence running south 0 degree 25 minutes 45 seconds east 150 feet; running thence south 89 degrees 34 minutes 15 seconds west 155.25 feet; running thence north 0 degree 25 minutes 45 seconds west 150 feet to the point of beginning. ALSO,

Tract 3: Commencing at the west quarter corner of said Section 4; thence south on Section Line 911.4 feet to the south line of Twelfth Street according to Survey No. K 1169; thence north 89 degrees 34 minutes 15 seconds east on the south line of Twelfth Street 249.90 feet to the northeast corner of the Bell Motel Tract, according to Survey No. K-1167, to the point of beginning of the tract to be described; thence continue north 89 degrees 34 minutes 15 seconds east on the south line of Twelfth Street, 175.25 feet to the west line of Teeter Street according to Survey No. K-1167; thence south 0 degrees 25 minutes 45 seconds east on the west line of Teeter Street 150 feet; thence south 89 degrees 34 minutes 15 seconds west 175.25 feet to the east line of Bell Motel tract; thence north 0 degrees 25 minutes 45 seconds west 150 feet to the point of beginning.

Ref: LAXMI, Inc.

# CITY OF FAIRMONT

## Planning & Zoning

### Application Form

**NOTE TO APPLICANT:** This is a comprehensive application form. Only those items related to your specific type of development are to be completed. All items applicable must be included prior to acceptance of the application.

Name of Applicant: Nationwide Housing Corporation Address: [REDACTED]

Street Address of Proposal: 1317 Johnson St, Fairmont, MN 56031

Legal Description of Property: Lot 2, Block 1, Fourth Extension of Country Side Addition to the City of Fairmont, Minnesota, according to the map or plat thereof on file and of record in the office of the County Recorder in and for said County. Martin County, Minnesota

Existing Use of Property: multi-family townhome complex

Proposed Use of Property: same use - multi-family townhome complex

Type of Application	Fee	Submission Requirements (Attached)
<input type="checkbox"/> Appeal/Code Amendment	\$150.00	7
<input type="checkbox"/> Administrative Appeal	50.00	8
<input type="checkbox"/> Conditional Use Permit	150.00	4, 6(d-g)
<input type="checkbox"/> Home Occupation Permit	30.00	9
<input type="checkbox"/> Minor Plat	90.00	2(a), 5 (a-b)
<input type="checkbox"/> Planned Unit Development	150.00	1, 4, 6(d-g)
<input type="checkbox"/> Preliminary Plat	150.00	5 (b), 6
<input type="checkbox"/> Rezoning	150.00	1
<input checked="" type="checkbox"/> Variance	90.00	2,3

I HEREBY CERTIFY THAT THE INFORMATION AND EXHIBITS HERewith SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Fairmont Townhouses, a Minnesota Limited Partnership  
 Owner's Name(Printed) Owner's Signature

Nationwide Housing Corporation, a Minnesota corporation  
 Applicant's Name (Printed) Applicant's Signature

**City Staff Use Only**

DATE FILED: \_\_\_\_\_

DATE FEE PAID: \_\_\_\_\_

MEETING DATE: \_\_\_\_\_

NOTICES SENT (DATE): \_\_\_\_\_

NOTIFICATION OF EXTENSION (LETTER SENT): \_\_\_\_\_

City of Fairmont  
Planning & Zoning  
Application Form

Applicant: Nationwide Housing Corporation

Street Address of Proposal: 1317 Johnson St, Fairmont, MN 56031

1. A map drawn to scale of at least 100 feet to an inch portraying the land in question with the length and location of each boundary thereof.

Please see Exhibit 1.

- 2a. A legal description and registered survey of the property indicating current building setbacks, existing easements, the length and width of parcel, and location of property lines and pins.

Legal description:

*Lot 2, Block 1, [Fourth Extension of Country Side Addition](#) to the City of Fairmont, Minnesota, according to the map or plat thereof on file and of record in the office of the County Recorder in and for said County.  
Martin County, Minnesota  
Abstract Property*

City staff confirmed that a registered survey is not necessary for this application.

- 2b. A detailed and legible site plan of the proposal requiring the variance.

Please see Exhibit 2.

- 3ai. Statement of how the proposed variance is in harmony with the general purposes and intent of the City's code.

Section 26-804(b)(1) of the Fairmont zoning code permits a signage variance if five conditions exist:

Condition 1: "Special conditions exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district."

Our property has two locations where a sign can be placed near the driveway (placing the sign further from the driveway will cause confusion and safety hazards as drivers look for the driveway, stop in the middle of the street, and/or make unnecessary U-turns) and both locations contain unique circumstances: (a) on the east side of the driveway an existing bus shelter prevents sign placement 10 feet from the lot line; and (b) on the west side of the driveway, two mature trees interfere with sign placement and with needed sight lines. The City of Fairmont's Variance Criteria Guidance (in the answer to item 4) lists trees as a "unique circumstance to the property not created by the landowner". The bus shelter was recently replaced, but remains in its original location which is the necessary location or its intended use.

Condition 2: "The special conditions and circumstances do not result from the actions of the applicant."

Our actions did not result in the existing locations of the bus shelter or the trees.

Condition 3: "A literal interpretation of the provisions of [the zoning] regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district and the terms of this article."

Apart from the setback, our proposed sign complies with all city codes. Without a variance, we are deprived of the ability to locate our proposed sign on our property in a manner where it best serves its purpose (to direct the public to the property).

Condition 4: "Granting the variance requested would not confer on the applicant any special privilege for a use not common to other lands, structures, or buildings in the same district."

The use we seek is placement of a sign on our property – we gain no special use privileges if the variance is granted. It is common for a sign to be located at the entrance to properties of this type.

Condition 5: "The proposed use of the property shall have an appearance that will not have an adverse effect upon adjacent properties, and there will be no deterrence to development of vacant land."

The entire property was recently renovated which is an enhancement to the adjacent properties. The proposed new sign is attractive and a significant improvement over the original sign (please see the sign rendering attached as

Exhibit 3). We believe the granting of a variance allowing the sign to be located next to the bus shelter (with a 3-foot setback) rather than cutting down mature trees so the sign can be placed on the property with a 10-foot setback has no adverse effect on adjacent properties from both an aesthetic and practical perspective. Please see the site rendering attached as Exhibit 4. Further, because the driveway is not close to the vacant parcel east of our property, a 3-foot setback for the sign will not create visibility issues that might deter future development on that parcel.

Because these five conditions exist, we believe our variance request is in harmony with Fairmont's codes.

3a.ii. Statement of how the proposed variance is consistent with the City's comprehensive plan.

Granting our variance preserves two mature trees and the 2040 Comprehensive Plan stresses the importance of trees and greenery.

2040 Comprehensive Plan Item PR 6-4 (on page 109) says "Maintain a healthy urban tree canopy. Continue to expand the urban tree canopy through street and park projects and encouragement of tree planing on private lands by property owners."

2040 Comprehensive Plan Item LU 6-2 (on page 48): "Develop green space throughout Fairmont's neighborhoods, especially in the community's low-income and under-resourced neighborhoods."

Absent this variance, our property only has one signage location that complies with the 10-foot setback requirement – but placing our sign there necessitates removal of both trees (as shown on Exhibit 2). If our variance is granted, we will locate our sign east of the driveway and the trees will not be disturbed. By not disturbing these mature trees, the variance helps maintain the current tree canopy and maintains green space in a low-income neighborhood.

3a.iii. Statement of how the proposed variance meets the requirements of "Practical Difficulties" set forth in Minn. Stat. 462.357 Subd. 6. Appeals and Adjustments.

Minn. Stat. 462.357 Subd. 6 allows a municipality to grant a variance where the "plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality." Trees are listed as a "unique circumstance to the property not

created by the landowner” in the City of Fairmont’s Variance Criteria Guidance (in the answer to item 4).

Our property has these unique circumstances. On the east side of the driveway, the existing bus shelter prevents locating our sign 10 feet from the lot line. On the west side of the driveway, mature trees interfere with the sign placement and with the necessary sight lines.

We believe that maintaining the Fairmont’s essential character is best achieved by locating our sign next to the existing bus shelter. (Please see Exhibit 4 for a rendering of the potential sign placements.) The west side of the driveway is already home to the bus shelter and the mailboxes – adding the sign here feels like a natural grouping. Conversely, removing the trees to locate the sign on the west side of the driveway will have a significant negative visual impact because these trees are part of a row of mature trees lining the north side of the street (please see Exhibit 4).

4. A complete site plan, including but not limited to: Location and elevation of proposed structures, driveways, parking and loading areas, topography and site drainage, improvements, architectural plans.

Please see Exhibit 2.

- 5a. A certified document from the Martin County Auditor stating that all assessments and the proposed minor subdivision would be redivided proportionately on the subdivided parcels.

Not applicable – requested variance does not contain a subdivision.

- 5b. Martin County Ditch Assessment Division Agreement (attached).

Not applicable – requested variance does not contain a subdivision.

6. Six (6) copies of the plat will be submitted [...]

Not applicable – requested variance does not affect the plat.

7. Statement of appeal or proposed code change.

We request a variance from the 10-foot setback requirement for sign placement contained in Section 26-806 item 12(a). We request permission to locate our sign three (3) feet from the lot line (as shown on Exhibit 2).

8. Statement why the action taken is not appropriate and should be overturned.

Not applicable – no action has yet been taken.

9. Description of proposed home occupation and site or building plan (if applicable).

Not applicable – requested variance does not affect occupancy.



# Exhibit 1

## Scale map

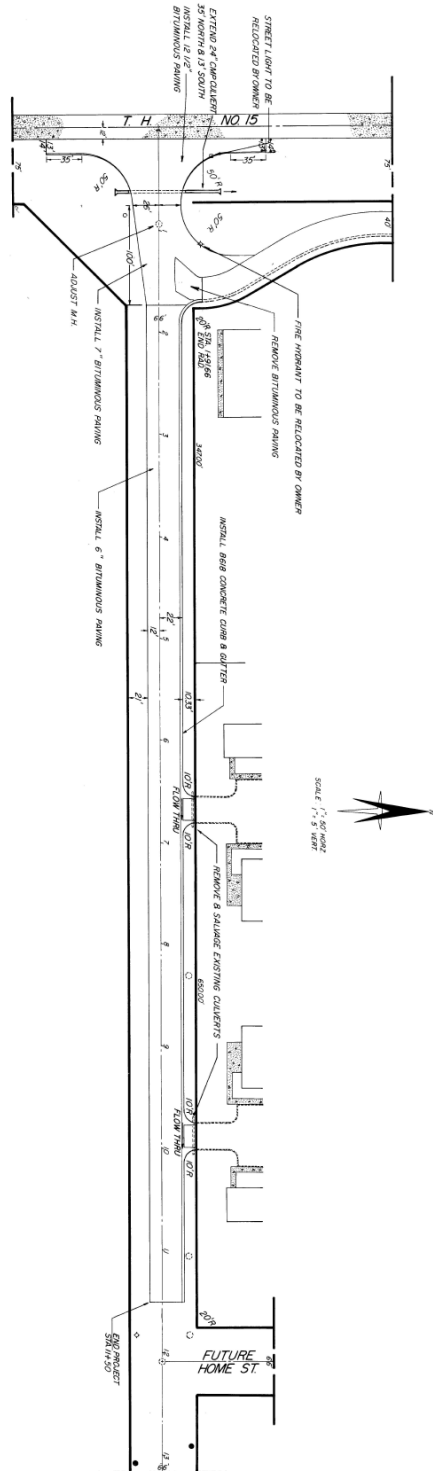
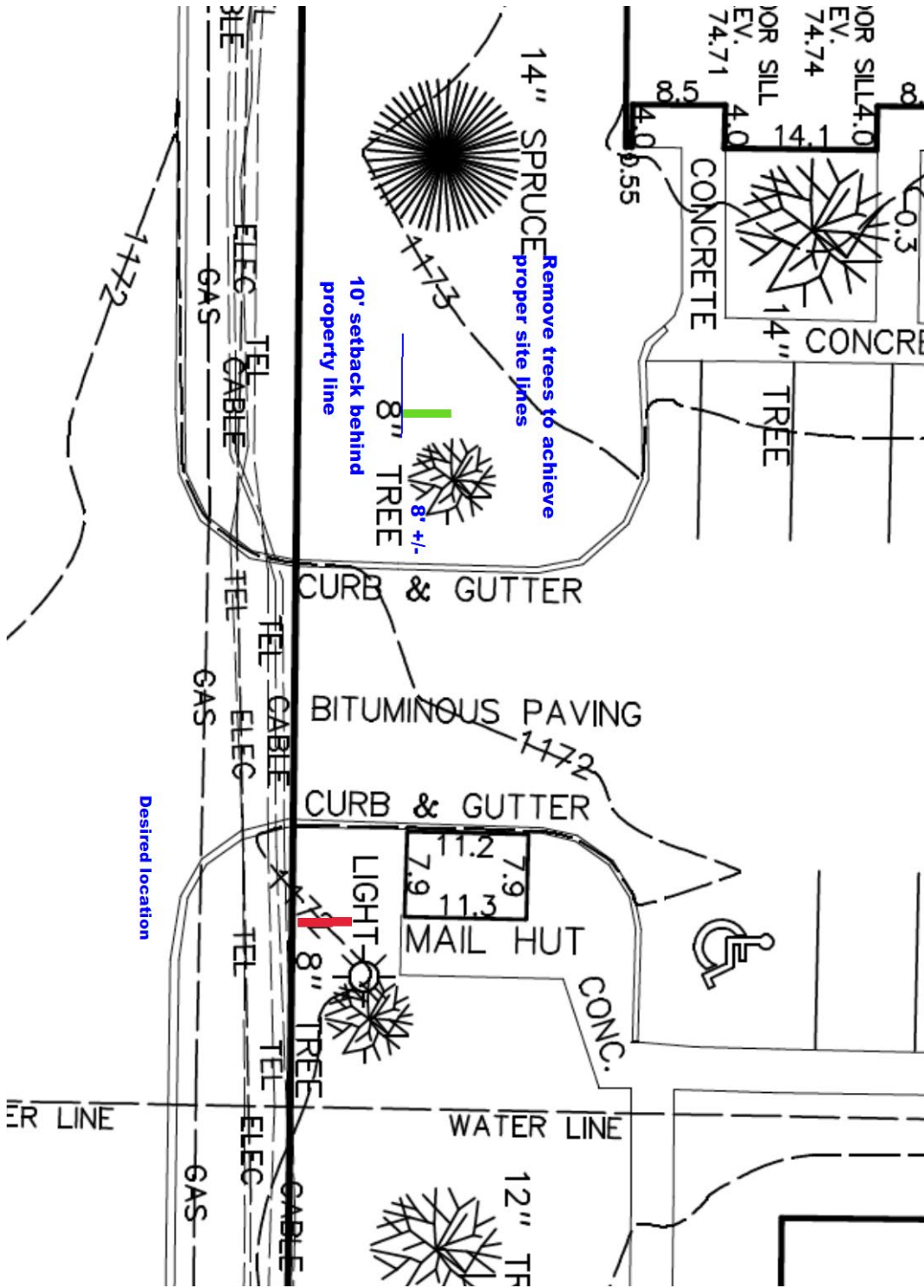


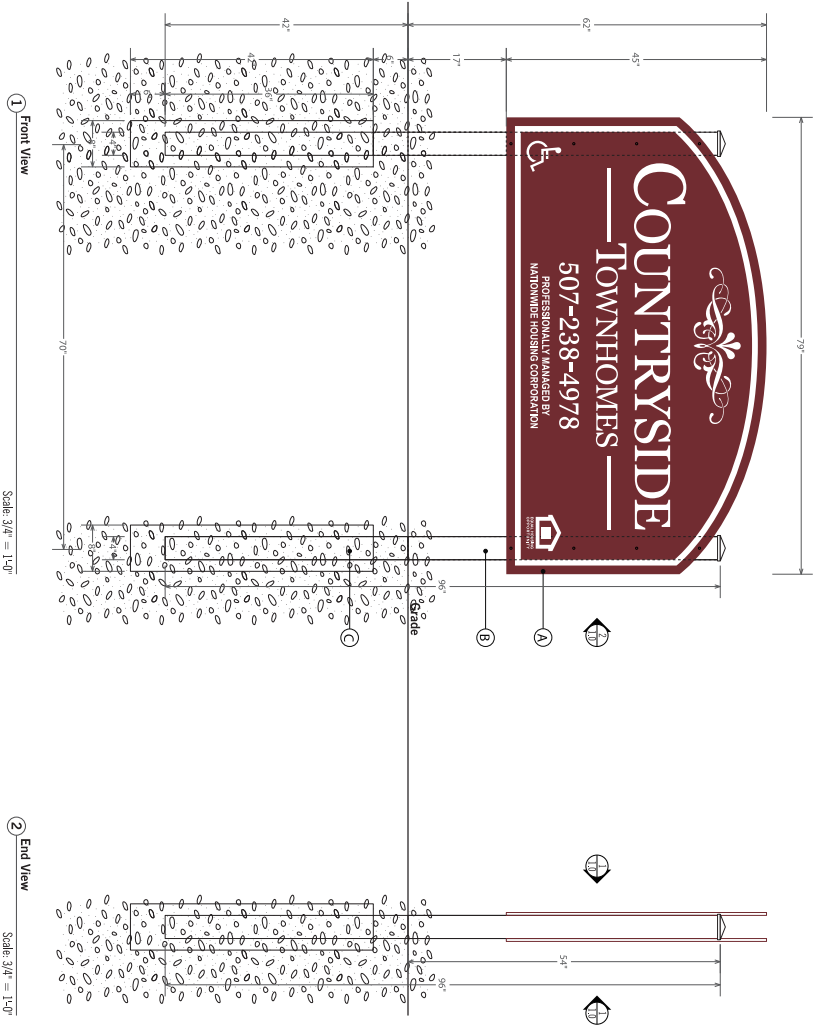
Exhibit 2

Site plan



# Exhibit 3

## Sign rendering



- Description**
- ① **SIGN FACES**  
1 1/2" HDPE King Colortone Red/White Panel - (ONC)  
60° V-carved Copy & Korns  
Flashed Mechanical Mount to Posts  
Faces finished to match face
  - ② **SIGN POST**  
4" x 4" x 1/8" Aluminum Sp. Tube w/ Pyramid Caps  
Paint Matthews Slat White  
(96" O.A. Length)
  - ③ **INSTALL**  
Direct Bury Post in to 8" x 48" Concrete Footing

Project:  
 Countryside Townhomes  
 1317 Johnson Street  
 Fairmont, MN 56031

Designer: MF  
 Quote Number: 0105250-01  
 Date: 11.21.2023  
 Rev./ 1: 11.22.2023  
 Rev./ 2: 11.27.2023  
 Rev./ 3:  
 Rev./ 4:  
 Rev./ 5:

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Approved: \_\_\_\_\_  
 Type: \_\_\_\_\_  
 Description: D/S Post & Panel Sign

Exhibit 4

Site rendering

